

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA**

OCTOBER 17, 2017

CLOSED SESSION MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
5:15 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
MICHELE MARTINEZ, Mayor Pro Tem
P. DAVID BENAVIDES
VICENTE SARMIENTO
JOSE SOLORIO (6:27 P.M.)
SAL TINAJERO (5:25 P.M.)
JUAN VILLEGAS

COUNCILMEMBERS Absent:
None

STAFF Present:
CYNTHIA J. KURTZ, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PUBLIC COMMENTS

- Irma Jauregui, spoke on behalf of Wilshire Square Neighborhood Association, opposed to total contract amount for incoming City Manager which is higher than U.S. President.
- Debbie McEwen, noted that candidate is fine fellow that worked here before, Santa Ana is giant and complicated and deserves most talented and experienced and scope that we can possibly hire; search was small and group was minimal; deserve broader base of candidates.
- Lisa Mills, executive recruiter for national firm; suggest that recruiter go back; unanimous vote needed; no qualified candidate should be accepted with split vote; benefit package includes evergreen; most money than any other in state of California; candidate is likeable; handed 205 signed petition in opposition to hire for City Council consideration.
- Mohammed Aly, speaking on litigation with catholic worker; proposed ordinance is tied to item on the agenda; deemed unconstitutional violations suspected; met with advocates have meet with City Attorney and staff; discussed point by point and questioned constitutionality of each; reiterated importance of free speech with unbridle relations to

ordinance; government interest has already been ruled by courts; must be narrowly tailored to many.

- Perla Dionicio, spoke on former Police Chief Rojas case, opined that lawsuit outlines corruption; request full investigation.
- Jose Tapia, also spoke on lawsuit case by former Police Chief Rojas; opined that content of case is of concern; commend him for bravery in filing lawsuit.

COUNCIL RECESSED to Room 147 for Closed Session discussion at 5:22 p.m.

CLOSED SESSION ITEMS - The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. PUBLIC EMPLOYEE – APPOINTMENT pursuant to Government Code Section 54957(b)(1).

Title: City Manager

2. CONFERENCE WITH LEGAL COUNSEL --EXISTING LITIGATION pursuant to paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:

- The Orange County Catholic Worker, et al. v City of Santa Ana, United States District Court for the Central District of CA (S.D.), Case No.: 8:17-cv-01340
- Carlos Rojas v City of Santa Ana, Orange County Superior Court of CA, Case No. 30-2017-00946219-CU-OE-CJC

3. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Personnel Services Executive Director, Ed Raya

Employee Organizations:

- Santa Ana Police Management Association (PMA)
- Service Employees' International Union (SEIU) Full-Time Employees
- Confidential Association of Santa Ana (CASA)
- Santa Ana Management Association (SAMA)

CLOSED SESSION REPORT - See Item 19A for any reportable actions.

ADJOURNED THE CLOSED SESSION MEETING AT 6:31 P.M. AND CONVENED TO THE REGULAR OPEN MEETING.

REGULAR OPEN MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:33 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
MICHELE MARTINEZ, Mayor Pro Tem
P. DAVID BENAVIDES
VICENTE SARMIENTO
JOSE SOLORIO
SAL TINAJERO
JUAN VILLEGAS

COUNCILMEMBERS Absent:
None

STAFF Present:
CYNTHIA J. KURTZ, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

PRESENTATIONS

CERTIFICATE OF RECOGNITION presented by **STATE SENATOR JANET NGUYEN, MAYOR PRO TEM MARTINEZ AND MEMBERS OF THE CITY COUNCIL** to Santa Ana Police Sergeant Mike Gonzalez for his bravery in saving lives of victims of the Las Vegas shooting.

SPECIAL PRESENTATION – Update from the Planning Commission.

PROCLAMATION presented by **MAYOR PULIDO** in recognition of Childhood Lead Poisoning Prevention Week.

CERTIFICATES OF RECOGNITION presented by **COUNCILMEMBER SARMIENTO** to the Orange County Labor Federation Civic Engagement & Leadership Participants: Corina Aguirre; Maria Lourdes Ayala; Liliana Ayon; Silvia Barajas; Ofelia Chavez; Eva Corona; Juana de la Torre; Maria del Carmen Mejia; Idalia Frias; Aurelia Hernandez; Emelia Mancia;

Graciela Murguia; Hilda Nieto; Maricela Reyes; Bertha Rodriguez; Melina Santiago; Julia Santillo; Mayte Tapia; Silvia Torres; Marta SaaVedra; and Martha Valdez.

CERTIFICATE OF RECOGNITION presented by **COUNCILMEMBER SOLORIO** to Benji's Deli in recognition of their 50th Anniversary.

CERTIFICATE OF RECOGNITION presented by **COUNCILMEMBER SOLORIO** to MOMS Orange County in recognition of their 25th Anniversary.

PROCLAMATION presented by **COUNCILMEMBER TINAJERO AND BENAVIDES** to the Santa Ana Unified School District for being selected as a XQ Super School.

CLOSED SESSION REPORT - There was no reportable action.

PUBLIC COMMENTS (Agendized Items) - None

CONSENT CALENDAR ITEMS

MOTION: Approve staff recommendations on the following Consent Calendar items 10A through 10D.

MOTION: Martinez

SECOND: Tinajero

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Tinajero, Villegas (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Solorio (1)

MINUTES

10A. MINUTES FROM THE SPECIAL CLOSED SESSION MEETING OF OCTOBER 2, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

10B. MINUTES FROM THE REGULAR MEETING OF OCTOBER 3, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

10C. MINUTES FROM THE ADJOURNED CLOSED SESSION MEETING OF OCTOBER 6, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

10D. MINUTES FROM THE SPECIAL CLOSED SESSION MEETING OF OCTOBER 9, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

ORDINANCES/SECOND READING

In the event a Councilmember recorded an “abstention” before consideration of the following ordinance(s) on first reading, such abstention will also be reflected in the minutes for second reading.

11A.	SECOND READING ORDINANCE: ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 10-551 AND ADDING NEW SECTIONS 10-552, 10-553 AND 10-554 TO THE SANTA ANA MUNICIPAL CODE RELATED TO STORAGE OF PROPERTY, VEHICLE ACCESS AND VOLUNTEER SERVICES IN THE CIVIC CENTER AREA {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office
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Placed on first reading at the October 3, 2017 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on October 6, 2017.

The following spoke on the matter:

- Michael Robbins, concerned with rise in number of homeless deaths; suggest housing first as initiative.
- Jeanine Robbins, commented that homelessness is countywide issue; and noted the ordinance was cruel and malicious and jeopardizes the lives of the homeless residents of this City. Asked the City Council to show compassion towards the homeless population.
- Mohammed Aly, concerned that comments limited to one-minute; opined that delimitative changes are unconstitutional.
- Sarah Gregory, attorney with ACLU, expressed concern that disabled population significantly impacted by ordinance; services would be restricted; housing is only solution.

- Michelle Kotval, attorney with Legal Aid Society, on behalf of her client, The Peoples Homeless Task Force, urged the City Council to vote no on this ordinance because it does not provide a dignified or sustainable solution to the homeless crises. Concerned with the provision in the ordinance that prohibits tents and other essential living items.
- Brooke Weistzman, noted the 4th and 8th Amendment and disability concerns. Concerned that the enforcement on an ordinance like this would rely on police discretion and would result in implicit bias and racial disparities.
- Julie Crandall, for the Legal Aid Society of Orange County and member of OC Home, and represents some of the homeless in the Civic Center and the Peoples Homeless Task Force. Opined the ordinance will be denying vulnerable population their basic needs and depriving humanitarian efforts. Asked the City Council to not pass this ordinance.
- Lili Graham, Legal Aid Society representative, spoke against ordinance because it criminalizes homelessness.
- Sabyle Landrum, for the Legal Aid Society of Orange County. Addressing the City Council on behalf of her clients. Expressed concern that the ordinance is in violation of the A.D.A., the U.S. Constitution and unfairly targets and criminalizes the homeless instead of constructively addressing the health and safety concerns. Urged the City Council to vote no.
- David Duran, spoke against ordinance.
- Tim Houchen, noted that County has pushed problem over to the City side by fencing their area while construction at the County.
- Lou Noble, noted that confiscation of items is criminal; supports rent control and housing first model.
- Angel VanStark, represent Aid Services of Orange County, indicated that if ordinance approved will not be able to provide services and increase Hepatitis (health concern).
- Eve Guerra, representing ACLU, need for basic items; submitted letter for the record.
- Kenneth Batiste, City to be a leader and provide humanitarian needs; rent control.
- Justin Samson, OC Poverty Alleviation Coalition representative, said that homeless are often times not able to afford rent and forced to live on the streets.
- Aimee Dunkle, supports Needle Exchange Program due to personal account with son.
- Diane Goudstein, works for Needle Exchange Program, suggest partnership as safety measure.
- William Zhen, volunteer with Needle Exchange Program, commented that program is only service provider in the County.
- Blake Bosgieler, former patron of Needle Exchange Program, spoke in support of program and need to continue allowing service providers.

- Susan Knoll, representing the Orange County Needle Exchange, as an educator and a substance abuse counselor she is concerned that making it a criminal offense to possess clean needles will cause individuals to engage in risky behavior. Asked the City Council for support to continue services.
- Jemma Alarcon, representing OCNEP, concerned that the ordinance will be keeping individuals away from OCNEP services. Urged the City Council to vote no.
- Alex Smith, spoke in support of clean needles to avoid staph diseases and provide compassion.
- Mahan Naeim, representing the Orange County Needle Exchange Program. Commented on OCNEP goal of the safe and proper disposal of used needles and concern that ordinance will only amplify an existing public health issue. Noted the solution to needle liter is to incentivize proper disposal of needles and not criminalizing it.
- Carol Newark, volunteer with Needle Exchange Program, opined that gentrification will occur if program ends.
- Sofia Laguna, volunteer with Needle Exchange Program, opined that passage of ordinance will criminalize homeless and further prohibit them from obtaining employment and other services.
- Dallas Augustine, spoke on behalf of Needle Exchange Program, said that HIV can be prevented with use of clean needle.
- Jasmine Sedaghati, volunteer with NEP, suggest that Santa Ana should continue to be a sanctuary to all.
- Thao Le, volunteer with NEP, read statements from users in support of program.
- Amy Magnus, volunteer with NEP, noted positive influence program has had in City.
- Kelsey Chrisley, building manager of the OC Law Library, supports ordinance – noted that employees have a right to work in safe and clean environment.
- Donna Layne, resident, urged all to approve ordinance; long term solution is housing, but ordinance is short term solution.
- Margaret Sharpe, concerned that amendments to ordinance are not enough; proposed to help address homelessness by identifying available housing.
- Jordan Hoiberg, representing OC Catholic Workers, met with staff and some members of the Council to outline concerns with amended ordinance.
- Bruce Creel (speaker spoke on his behalf), indicated that officer had not allowed him to re-enter Chamber; opposed to ordinance.
- Stephanie Roberts, representing community of Congregation Church, opined that religious member would not support ordinance.
- Lisa Mills, commended the City Council for being the most compassionate in the county and spoke in support of the ordinance.

- Jill Mahony, President of Santa Ana Credit Union, noted that homelessness has affected business and endangered employees safety; consider impacts to all.
- Dwight Smith, read from Vincent De Paul statement in support of human services.
- Katie Christy, sister of Saint Joseph volunteer, concerned that enforcers will abuse power and violate human rights.
- MaryRuth Storer, Director of Public Law Library, commented on deteriorating conditions of services and building because of the concentration of homeless in the civic center area.
- Curtis Franklin, spoke in opposition to ordinance.
- Jonathan Gibson, opined that ordinance will only displace homeless; urged no vote.
- Irma Macias, supports ordinance, represents community and students who need safety measures.
- Morgan Denges, work with OC Catholic Charities, presented petition in opposition to ordinance; need to protect all residents equally.
- Peter A. Katz, President of ComLink, need to address issues in civic center area – clean area.
- Esperanza Linares, spoke of current condition of library; children are at risk; supports ordinance.
- Kim Sandoval, voiced her concern that homeless are being blamed for problems. Opposed taking away the Needle Exchange Program. Urged the City Council to not take away their home and personal belongings.
- DeDee (Last name not provided.), spoke in support of homeless services as a former homeless.
- James Dempsey, retired social worker, spoke in support of services.
- Nate Greensides, opposed to criminalization of homelessness.
- Sandra DeAnda, opined that homeless neglected with provisions of the ordinance.
- Jair Bautista, supports rent control and housing; opposed to ordinance.
- Faby Jacome, program coordinator and deportation defense organization with Orange County Immigrant Youth United, voiced opposition to ordinance.
- Dailgn Rodriguez, supports access to health and social services; do not marginalize homeless.
- Erik Garcia, supports human rights – opposed to ordinance.
- Robyn Adams, noted that some homeless provide services for others.
- Susan Sonne, homeless advocate that supports the County fund homeless programs; affordable housing and access to affordable health care needed to solve homelessness.
- Julie Hartle, volunteer with Elderly Law Center, opined that misdemeanors will bog down legal system.

- David Carbajal, public health worker, spoke on behalf of Alliance Against Gentrification, opposed to ordinance.
- Mike Lopez, representing SEIU Local 721, noted that homeless rights are not eliminated, but establishing safety and health for all; supports ordinance.
- Wayne Bakker, employee of the City, spoke of risks posed to employees that work in the area; need to minimize risks.
- Michael Montecalvodra, urged a no vote on ordinance.
- Patricia Walker, employee of the OC Public Law Library, commented on problems with encampment and deteriorating condition of facilities.
- Mextli Lopez, urged the City Council to vote no and to provide access to food and shelter to the homeless.
- Katelyu Seitz, opined dehumanizing citizens without a home is not a solution. Urged the City Council to ask what makes the community safe.
- Daniel Millan, opined the ordinance only limits access to services needed. Urged the City Council to vote no.
- Nicholas D'Andrea, urged City Council to vote no.
- Tanya, expressed her support for the ordinance.
- Cecilia Iglesias, on behalf of Santa Ana Parent Union, expressed safety concern at the Civic Center and access to resources to residents. Urged the City Council to vote yes.
- Richard Walker, request a no vote; opined that homeless will divert services and not solve their problems; solutions needed through housing.

Council discussion.

City Attorney Carvalho, clarified procedural question raised during public comments regarding deliberation. Councilmembers confirmed that any communication at the dais was not on topic item. Summarized efforts to address health and safety elements and proposed amendments; services only to be regulated including Needle Exchange Program, other areas to be regulated include number of dogs allowed, shade and tents; safety concerns of paramount importance. (amendments to Section 2 on placement use of temporary structure shade and Section 10-554 require permit to provide organized services.)

Councilmember Tinajero, commented on weather conditions that may require other further amendments; suggested amendment that when it rain tents be allowed.

Mayor Pro Tem Martinez, supports ordinance, spoke of scarce resources to address various and citywide issues; citywide solution needed; asked that in six months report on how tracking, what resources JPA funds general funds, positions and call for service and tracking of Needle Exchange Program and how many prosecuted; need sustainable efforts.

Councilmember Benavides, thanked speakers, housing opportunities and many variables to consider; supports ordinance.

Councilmember Sarmiento, asked that service providers offer services in their respective cities; County of Orange is vested with the right to address the social service homeless population issues because they receive federal funds from the Housing Urban Department.

City Attorney Carvalho, noted that amendment will include discretion of officer to cite as misdemeanor or infractions.

Councilmember Tinajero, noted that City has invested significant amount of money for affordable housing programs.

Interim City Manager Kurtz, indicated that County could designate 1000 beds at former Tustin Marine Base for housing, but instead Board of Supervisors approved land for commercial development.

Councilmember Solorio, provided housing statistics; services needed including jobs and housing; Needle Exchange Program should be offered in other cities; safety for all; supports ordinance.

Councilmember Villegas, commented that Needle Exchange Program has had success story; continue to advocate for safety.

Mayor Pulido, noted that City has done more than any other City as it relates to homeless; supports amended ordinance.

Interim City Manager Kurtz, housing first model and emergency funds will be considered at next meeting and working with WISE Place and Illumination Foundation to provide housing.

MOTION: Place amended ordinance on second reading and adopt.

ORDINANCE NO. NS-2926 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 10-551 AND ADDING NEW SECTIONS 10-552, 10-553 AND 10-554 TO THE SANTA ANA MUNICIPAL CODE RELATED TO STORAGE OF PROPERTY, VEHICLE ACCESS AND VOLUNTEER SERVICES IN THE CIVIC CENTER AREA

MOTION: Pulido

SECOND: Solorio

VOTE: AYES:

Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

CONSENT CALENDAR ITEMS

MOTION: Approve staff recommendations on the following Consent Calendar items 11B through 25H with the following modifications:

- Mayor Pro Tem Martinez, pulled Agenda Items 20A, 25C, 25F, and 25H for separate action; and
- Mayor Pulido, pulled Agenda Item 25B; to allow speaker to address City Council.

MOTION: Sarmiento **SECOND:** Tinajero

VOTE: **AYES:** Benavides, Martinez, Pulido, Sarmiento, Solorio,
Tinajero, Villegas (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Items removed for separate action or modified are highlighted. Separate actions show the actual vote. Items without votes are adopted as part of the consent motion

- 11B. **SECOND READING ORDINANCE: ADOPT AN ORDINANCE FOR THE REGISTRATION OF ABANDONED AND DEFAULTED RESIDENTIAL/COMMERCIAL PROPERTY {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office**

Placed on first reading at the October 3, 2017 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on October 6, 2017.

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2627 - AN ORDINANCE, ADDING DIVISION 3 TO ARTICLE 10, OF CHAPTER 8 OF THE CITY OF SANTA ANA MUNICIPAL CODE OF TO BE ENTITLED, "REGISTRATION AND MAINTENANCE OF ABANDONED AND DEFAULTED MORTGAGE PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY

- 11C. SECOND READING ORDINANCE: ADOPT ZONING ORDINANCE AMENDMENT NO. 2017-02 FOR THE ARTISAN AT SOUTH COAST A 42-UNIT SINGLE FAMILY RESIDENTIAL PROJECT AT 2001 WEST MACARTHUR BOULEVARD – SHEA HOMES, APPLICANT {STRATEGIC PLAN NOS. 5, 1} - Clerk of the Council Office

Placed on first reading at the October 3, 2017 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on October 6, 2017.

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2928 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT PLAN NO. 4, PERTAINING TO THE ARMSTRONG RANCH DEVELOPMENT, TO ALLOW TEMPORARY SALES OFFICES, MODIFY THE PARKING STANDARDS AND INCORPORATE DEVELOPMENT STANDARDS FOR A SMALL LOT SUBDIVISION (SD-4) (ZOA NO. 2017-02) FOR THE PROJECT AT 2001 W. MACARTHUR BOULEVARD

BOARDS / COMMISSIONS / COMMITTEES

- 13A. APPROVE APPOINTMENT OF DEBRA BAETZ TO THE WORKFORCE DEVELOPMENT BOARD REPRESENTING ORANGE COUNTY SOCIAL SERVICES AGENCY {STRATEGIC PLAN NO 5, 1} - Community Development Agency

MOTION: Appoint Debra Baetz, Director Family Self Sufficiency and Adult Services, to represent Orange County Social Services Agency on the Workforce Development Board replacing Nathan Nishimoto for a partial term expiring May 31, 2019.

- 13B. RECEIVE AND FILE AGENDA AND MINUTES OF THE SPECIAL MEETING OF LEGISLATIVE AFFAIRS, ETHICS AND TRANSPARENCY CITY COUNCIL COMMITTEE, OCTOBER 4, 2017 {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

MOTION: Receive and file.

FINAL TRACT MAP NOTIFICATIONS

Pursuant to Section 34-183 of the Santa Ana Municipal Code, the City Engineer has received this Final Map and is in the process of reviewing the map for final approval. The City Engineer shall approve or disapprove this map within 10 days of the City Council Meeting.

- 17A. RECEIVE AND FILE CERTIFICATION AND APPROVAL OF FINAL TRACT MAP NO. 17979 BY CITY ENGINEER (1506 WEST FIRST STREET) {STRATEGIC PLAN NO. 3, 2} - Public Works Agency

MOTION: Receive and file.

MISCELLANEOUS ADMINISTRATION

- 19A. CONFIRMATION OF CLOSED SESSION ACTION(S) – NONE

- 19B. EXCUSED ABSENCES – NONE

- 19C. RECEIVE AND FILE STRATEGIC PLAN MONTHLY REPORT FOR SEPTEMBER 2017 {STRATEGIC PLAN NO. 5, 1} - City Manager's Office

The Strategic Plan Monthly Reports are available on the City's website at: <http://www.santa-ana.org/strategic-planning/>

MOTION: Receive and file.

- 19D. RECEIVE AND FILE QUARTERLY REPORT OF CONTRACTS VALUED AT \$25,000 OR LESS ENTERED INTO BY THE CITY MANAGER (JULY 1, 2017 - SEPTEMBER 30, 2107) AS PERMITTED BY CHARTER SECTION 421 {STRATEGIC PLAN NO. 4, 1} - Finance and Management Services

MOTION: Receive and file.

- 19E. RECEIVE AND FILE BYLAWS FOR THE LEGISLATIVE AFFAIRS, ETHICS, TRANSPARENCY, AND COMMUNICATIONS COUNCIL COMMITTEE {STRATEGIC PLAN NO. 5, 1} - City Manager's Office

MOTION: Receive and file.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20A. APPROVE APPROPRIATION ADJUSTMENTS AND AWARD CONTRACT FOR EMERGENCY REPAIRS RELATED TO JANUARY 2017 STORM DAMAGE AT THE LINCOLN AVENUE CHANNELS (PROJECT 17-6613) {STRATEGIC PLAN NO. 6, 1C} (Personnel Services Agency) - Public Works Agency

MOTION:

1. Authorize the City Manager and Clerk of the Council to award and execute a construction contract to Arnaz Engineering Contractors, Inc., for emergency construction to repair storm damage at the Lincoln Avenue Channel, to be performed on a time-and-materials basis, in the total amount not to exceed \$431,250, subject to non-substantive changes approved by the City Manager and the City Attorney.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$540,000, which includes the contract amount, administration, inspection, testing, and an authorized contingency of \$44,025.
3. Approve an appropriation adjustment. (Requires five affirmative votes)
 - a. APPROPRIATION ADJUSTMENT NO. 2018-032 - Approve an appropriation adjustment appropriating \$460,000 from prior year fund balance in the Local Drainage Area II revenue account, and appropriating the same amount into the Local Drainage Area II expenditure account.
 - b. APPROPRIATION ADJUSTMENT NO. 2018-031 - Approve an appropriation adjustment appropriating \$80,000 from prior year fund balance in the Local Drainage Area V revenue account, and appropriating the same amount into the Local Drainage Area V expenditure account.

MOTION: Solorio

SECOND: Benavides

VOTE: AYES: Benavides, Pulido, Sarmiento, Solorio, Tinajero, Villegas (6)

NOES: Martinez (1)

ABSTAIN: None (0)

ABSENT: None (0)

AGREEMENTS

- 25A. APPROVAL OF VARIOUS HISTORIC PROPERTY PRESERVATION AGREEMENTS {STRATEGIC PLAN NOS. 5, 2, 3} - Planning and Building Agency

Historic Resources Commission approved recommended action on September 28, 2017.

MOTION: Authorize the City Manager and Clerk of the Council to execute the attached Mills Act agreements with the below-referenced property owners for the identified structures, subject to non-substantive changes approved by the City Manager and City Attorney.

Property Owner(s)	Historic Prop. Preservation No.	Address/House	Agmt. No.
1. Erik Robert Wood	2017-01	1237 W. Third Street (Guillen House)	AGMT. No. 2017-275
2. Stephen and Jessica Kulik	2017-06	2340 N. Riverside Drive (Dr. Harry Huffman House)	AGMT. No. 2017-276
3. James and Tonya Skurzynski	2017-07	949 W. River Lane (Teter House)	AGMT. No. 2017-277
4. Francisco Lacy	2017-11	817 N. Lacy (McNeil House)	AGMT. No. 2017-278
5. Angela Meyer	2017-13	1909 Poinsettia St. (Molfetto House)	AGMT. No. 2017-279
6. Curt and Rita Merlo	2017-15	821 N. Olive St. (Travis House)	AGMT. No. 2017-280
7. The Skilton Family Trust	2017-17	2415 N. Heliotrope Dr. (Paterson House)	AGMT. No. 2017-281
8. Philip and Irene Chinn	2017-18	1711 N. Bush St. (Andres House)	AGMT. No. 2017-282
9. Philip and Irene Chinn	2017-19	2900 N. Flower St. (Smiley House)	AGMT. No. 2017-283
10. Matthew and Lacy White	2017-20	541 W. Santa Clara Ave. (Petz House)	AGMT. No. 2017-284
11. Carl and Patricia Telles	2017-21	2337 N. Santiago St. (H.L. Johnson House)	AGMT. No. 2017-285

25B. APPROVE A MEMORANDUM OF UNDERSTANDING FOR THE SAFETY AND FAIRNESS FOR EVERYONE (SAFE) CITIES NETWORK AND AN AGREEMENT FOR IMMIGRATION LEGAL DEFENSE SERVICES - City Manager's Office

The following spoke on the matter:

- Robert Herrera, thanked City Council for supporting universal representation and immigrant and undocumented community. Urged the City Council to vote in support of undocumented community, immigrant defenders, and for universal representation.

MOTION:

1. Authorize the City Manager and the Clerk of the Council to execute a Memorandum of Understanding between the Vera Institute of Justice and the City of Santa Ana, effective from the date approved by the City and ending October 31, 2018, subject to non-substantive changes approved by the City Manager and the City Attorney. (AGMT. No. 2017-286)
2. Authorize the City Manager and the Clerk of the Council to execute an agreement with Immigrant Defenders Law Center in an amount not to exceed \$65,000, for a one-year period beginning November 1, 2017 and ending October 31, 2018, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-287)

MOTION: Sarmiento **SECOND:** Benavides

VOTE: **AYES:** Benavides, Martinez, Sarmiento, Tinajero (4)

NOES: Pulido, Solorio, Villegas (3)

ABSTAIN: None (0)

ABSENT: None (0)

25C.	APPROVE AN AGREEMENT FOR INMATE TELEPHONE AND VIDEO VISITATION SERVICES AT THE SANTA ANA JAIL {STRATEGIC PLAN NO.1, 3a} - Police Department
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MOTION: Authorize the City Manager and the Clerk of the Council to execute a two-year agreement with three one-year options with Legacy Inmate Communications, for the period of November 1, 2017 through October 31, 2019, in the amount of \$235,000, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-288)

MOTION: Benavides **SECOND:** Solorio

VOTE: **AYES:** Benavides, Pulido, Sarmiento, Solorio, Tinajero, Villegas (6)

NOES: Martinez (1)

ABSTAIN: None (0)

ABSENT: None (0)

25D. APPROVE AN AGREEMENT FOR ON-GOING CITY-WIDE CAMERA SYSTEM PROJECTS AND MAINTENANCE {STRATEGIC PLAN NOS. 1, 1J} (Parks, Recreation and Community Services Agency and Community Development Agency) - Police Department

MOTION: Authorize the City Manager and Clerk of the Council to execute a three-year master agreement with Siemens, Inc., for the period of November 9, 2017 through November 8, 2020, in an amount not to exceed \$1,054,900. A \$166,350 contingency has been added to allow for unanticipated changes, expenses, or additions for a total not to exceed amount of \$1,221,250. (AGMT. No. 2017-289).

25E. APPROVE AN AGREEMENT FOR PAVEMENT MANAGEMENT PROGRAM SERVICES (PROJECT 18-6898) {STRATEGIC PLAN NOS. 6, 1A & 1F} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Nichols Consulting Engineers (NCE), for the two-year term beginning October, 17, 2017, and expiring October 16, 2019, with an option for a one-year extension exercisable by the City Manager and City Attorney, for a total amount not to exceed \$94,105, including a 10 percent contingency, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-290)

25F. APPROVE AN EXTENSION OF THE SOLID WASTE SERVICES AGREEMENT AND RECEIVE AND FILE THE NEW SOLID WASTE SERVICES REQUEST FOR PROPOSAL TIMELINE AND DRAFT SCOPE OF WORK {STRATEGIC PLAN NO. 4, 1} - Public Works Agency

Executive Director of Public Works, Fred Mousavipour, noted that two recommended actions included on the Agenda; staff will return on November 21st on scope of work and content of Request for Proposal (RFP); recommended action #1 was an extension of two years to current provider, but draft contract has additional changes that need to be worked through before presented to the City Council for approval.

The following spoke on the matter:

- Jeff Snow, representing Republic Services, offered propositions for City consideration that would provide value; encouraged an open and transparent request for proposal; short term extension of current contract to

be limited to 12 month extension only; opined that 16 month process is sufficient.

- George Urch, representing Ware Disposal, thanked the City Council for bringing other waste contracts and asked it to be brought forward along with other waste contracts.

Councilmember Sarmiento, noted that recommended action #1 would be forthcoming; requested clarification on RFP; also, indicated that he reached out to staff to make sure that other waste haulers (Ware and Madison Materials) also have same coterminous extension included in staff report since it's his second request.

Director Mousavipour, indicated that RFP has been substantially completed; timeline includes critical dates up to implementation of new contract

MOTION: Receive and file the new Solid Waste Services Request for Proposals Process Timeline and draft Scope of Work and draft framework.

MOTION: Tinajero **SECOND:** Sarmiento

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 25G. APPROVE AN AGREEMENT FOR ON-CALL LEGAL SERVICES RELATED TO ADMINISTRATIVE AND LITIGATION MATTERS FOR PERSONNEL, POLICE, AND GENERAL LIABILITY {STRATEGIC PLAN NO. 1,3,4,5} - City Attorney's Office

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with the law firm of Grossberg & Hoehn for a three (3) year term ending on October 16, 2020, with an option to extend the term for up to one (1) year, in an amount not to exceed \$500,000, including any extension period, subject to non-substantive changes approved by the City Manager and the City Attorney. (AGMT. No. 2017-291)

25H. APPROVAL OF AGREEMENT TO APPOINT RAUL GODINEZ AS CITY MANAGER – Personnel Agency

The following spoke on the matter:

- Cecilia Iglesias, expressed concern as to the size of the contract and benefits of the City Manager position. Urged the City Council to vote no

Council discussion ensued.

City Attorney Carvalho, noted that candidate has good faith remove deferred compensation and forgo of Pay for Performance and reduce severance to 12 months from 18 months but added provision that no termination 6 months before and 6 months after a municipal election.

Councilmember Villegas, three new councilmembers coming next election and concerned with terms; other candidates are more qualified; suggest an acting until new council is installed.

Mayor Pro Tem Martinez, commented that any candidate comes to a divided city council; need leader that brings stability and professional recommendations; supports candidate.

Councilmember Tinajero, noted that council is responsible to hire city manager.

Councilmember Sarmiento, appreciate the delivery of information as it relates to amendments to contract, noted that City had thorough process; concerned that some privileged information was released; need to respect the democratic process.

Councilmember Solorio, has had positive interactions with candidate on public works projects; does not support the contract terms.

Councilmember Benavides, noted that many qualified candidates were considered; asked what the salary range and if it falls within 15% differential of next director; opined that candidate has character and personality to lead dynamic City; urged colleagues to work for the benefit of the residents.

City Attorney Carvalho, noted that salary is \$285,000 and within compensation range of next director.

Councilmember Solorio, asked clarification of salary; opined that total package was excessive.

Mayor Pulido, asked for 6 month protection before and after election and 12 month severance – golden parachute.

MOTION: Direct and authorize the Mayor and the Clerk of the Council to execute the attached agreement appointing Raul Godinez as the City Manager for the City of Santa Ana (AGMT. No. 2017-292).

MOTION: Tinajero **SECOND:** Martinez

VOTE: **AYES:** Benavides, Martinez, Sarmiento, Tinajero (4)
NOES: Solorio, Pulido, Villegas (3)
ABSTAIN: None (0)
ABSENT: None (0)

****END OF CONSENT CALENDAR****

BUSINESS CALENDAR ITEMS

PUBLIC HEARINGS

75A. PUBLIC HEARING: ZONING ORDINANCE AMENDMENT NO. 2017-03 TO AMEND SPECIFIC DEVELOPMENT NO. 60 TO ALLOW A NEW 75-FOOT TALL DOUBLE FACE DIGITAL ILLUMINATED PYLON SIGN AT THE SANTA ANA AUTO MALL LOCATED AT 1505 SOUTH AUTO MALL DRIVE – SCOTT HAMPTON, APPLICANT; APPROVE SALES TAX LOAN AGREEMENT BETWEEN CITY OF SANTA ANA AND SANTA AUTO MALL AUTO DEALERS ASSOCIATION; APPROVE INTER-FUND LOAN BETWEEN THE CITY GENERAL FUND AND THE SANITARY SEWER SERVICE FUND; APPROVE PAYMENT TO EMI INC. FOR THE PURCHASE OF AN LED SIGN AT THE SANTA ANA AUTO MALL {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency; and Public Works Agency

Planning Commission approved recommended action on September 25, 2017.

Legal Notice published in the Orange County Reporter on October 6, 2017 and notices mailed on October 5, 2017.

MOTION: Continue consideration of matter to the November 7, 2017, at the request of staff.

MOTION: Sarmiento **SECOND:** Tinajero

VOTE: **AYES:** Benavides, Pulido, Sarmiento, Solorio, Tinajero, Villegas (6)
NOES: None (0)
ABSTAIN: None (0)

ABSENT: Martinez (1)

Mayor Pro Tem Martinez and Councilmember Tinajero left the meeting at 10:24 p.m. and did not return.

Mayor Pulido and Councilmember Sarmiento reported a potential conflict of interest and abstained on Agenda Item 75B. They left the dais. Councilmember Tinajero assumed the Chair and deliberation of matter.

75B. PUBLIC HEARING: ORDINANCE AMENDMENT NO. 2017-03 TO CREATE CHAPTER 40 IN THE SANTA ANA MUNICIPAL CODE (COMMERCIAL CANNABIS) – CITY OF SANTA ANA, APPLICANT {STRATEGIC PLAN NOS. 3, 2, 3, 5; 4, 3} - Planning and Building Agency

Legal Notice published in the Orange County Reporter on October 6, 2017.

Acting Chair Tinajero opened the Hearing. The following spoke on the matter:

- Melahat Rafiei, expressed support of ordinance.
- Robert Taft, Jr., owner of 420 Central, spoke on cultivation and in support of ordinance.
- Irma Macias, in opposition of ordinance; expressed concern over drugs and impact towards children.
- Jason Lily, commended the City Council for moving forward and their hard work in this ordinance; urged a yes vote.

There were no other speakers and the Hearing closed.

Council discussion ensued.

Councilmember Villegas, noted that he is against ordinance, request funding be set aside for education; understand that we need to regulate.

Councilmember Benavides, noted that he was not in favor of measure BB, pleasantly surprised that effect that illicit businesses have significantly reduced and property regulated; at the local level we have received revenue from the legitimate regulated dispensaries to address enforcement. Prop 64 approved at the State level; asked if additional changes allowed.

City Attorney Carvalho, noted that Charter allows for minimal changes.

Councilmember Solorio, commented that Public Safety Committee considered item; additional revenues but more important that we regulate; propose 1/3 earmarked for afterschool gang, alcohol and drug prevention programs; on the enforcement side more robust efforts; request size of cultivation area be better

defined and consistent with State provisions. Suggest 1/3 for education, 1/3 for public safety and 1/3 to general fund.

Councilmember Tinajero, asked if 15% and go up to 1/3 after 6 months on after school programs be approved by the City Council and not at the department level.

MOTION: Place ordinance on first reading and authorize publication of title.

ORDINANCE NO. NS-2929 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CREATING CHAPTER 40 OF THE SANTA ANA MUNICIPAL CODE, "REGULATION OF COMMERCIAL CANNABIS", TO REGULATE COMMERCIAL CANNABIS ACTIVITIES, EXCEPTING MEDICINAL RETAIL

MOTION: Solorio **SECOND:** Benavides

VOTE: **AYES:** Benavides, Solorio, Tinajero, Villegas (4)

NOES: None (0)

ABSTAIN: Pulido, Sarmiento (2)

ABSENT: Martinez (1)

COUNCIL AGENDA ITEMS

Pursuant to Santa Ana Charter Section 411, any member of the City Council may place items on the City Council Agenda to be considered by the City Council.

- 85A. DISCUSS AND IMPLEMENT NEW POLICY THAT WOULD LIMIT THE NUMBER OF COUNCIL COMMITTEES A MEMBER MAY SERVE ON AND SET QUALIFICATIONS; AND APPROVE ANY NECESSARY ACTIONS. - Councilmembers Tinajero, Sarmiento and Benavides

Agenda item pulled at the request of Councilmember Tinajero.

RECESSED CITY COUNCIL MEETING AT 10:43 P.M. TO THE SUCCESSOR AGENCY MEETING AND RECONVENED WITH SAME MEMBERS PRESENT AT 10:45 P.M.

COMMENTS

90A. CITY MANAGER'S COMMENTS

- Invited all to attend upcoming 5K race;
- Announced upcoming Youth Water Poster Contest;
- Noted that this would be her last Council Meeting as Interim City Manager; thanked all for privileged of working in Santa Ana.

PUBLIC COMMENTS (Non-Agendized Items)

- Michael Klubnikin, spoke in regards to 100 acre parcel at Irvine Park.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Solorio:

- Thanked Interim City Manager Kurtz for her service; and
- Invited all to attend Wings of the City unveiling on October 27th and Annual 5K Race on October 21st.

Councilmember Villegas:

- Smoke Alarm Installation event held on October 7th was great success; thanked OCFA and all volunteers; and
- Request that meeting be adjourned in memory of Joe D'Angelo; provided brief background.

Councilmember Benavides:

- Echoed comments about upcoming City events; thanked staff for efforts in organizing events; and
- Thanked Interim City Manager Kurtz for steady hand and strong leadership and staff for transition.

Councilmember Tinajero:

- Acknowledge efforts of Interim City Manager Kurtz – shared vision, professionalism and leadership; and
- Spoke about DACA in Washington D.C. last week and also met with HUD and Veteran Affairs representative that expressed interest in providing additional funding for homeless.

Mayor Pulido:

- On October 4th met with State Governor and other officials about Amazon's request for proposal to establish a 2nd Headquarter; City of Santa Ana's joint proposal with the cities of Orange, Garden Grove and Anaheim offer great partnership opportunity; noted that if not Amazon another business will want to take advantage of upcoming OC Streetcar and facility at former OC Register building which has easy freeway access;

- Thanked service of Interim City Manager; and
- Adjourned in memory of Joe D'Angelo.

ADJOURNED - 11:00 P.M - The next meeting of the City Council is scheduled for Tuesday, November 7, 2017 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Open Business Meeting at 5:45 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

In Memory of Joe D'Angelo

Maria D. Huizar,
Clerk of the Council

FUTURE AGENDA ITEMS

- Labor Contracts